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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/962,032    10/31/97    CHAPMAN

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PM82/0409

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EXAMINER

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BUCKLEY, D

ART UNIT

PAPER NUMBER

3641  
DATE MAILED:

04/09/01

20

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.

08/962,032

Applicant(s)

CHAPMAN, DANIEL L.

Examiner

Denise J Buckley

Art Unit

3641

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 22 January 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☐ Claim(s) 101-120 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) 108-114 is/are allowed.
- 6) ☐ Claim(s) 101-103, 106, 107 and 115-119 is/are rejected.
- 7) ☐ Claim(s) 104, 105, 120 is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

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## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

- 15) ☐ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: \_\_\_\_\_

***Continued Prosecution Application***

1. The request filed on 1/22/01 for a Continued Prosecution Application (CPA) under 37 CFR 1.53(d) based on parent Application No.08/962032 is acceptable and a CPA has been established. An action on the CPA follows.

***Claim Rejections***

2. Claims 101,103,106-107 are rejected under 35 U.S.C. 102(b) as being anticipated by Khoury. Khoury discloses a sear(34), a trigger(44), a trigger bar(40), a blocking means consisting of parts (76) and (20) which aligns the trigger bar(40) by acting on the sear catch/connecting means (34). The blocking means also blocks the longitudinal slidable firing element(18), is positioned at the rear of the frame in a recessed state with it's transverse width being the same dimension, and has an arm(80) to block further downward motion of lock (20). There is a slidable connecting means (70) which connects the blocking means and the trigger bar. If the connecting means is removed, the trigger bar becomes disengaged making the gun inoperable. A block bearing surface(78) is provided on the blocking means to move lock (20), when the trigger bar is activated. Applicant's arguments filed 1/22/01 have been fully considered but they are not persuasive. The blocking means has many additional functions. In response to lever (76) not being a blocking means, examiner disagrees. For clarity and simplicity the blocking means was modified. In regard to the alignment of the trigger bar with respect to the lever(76) or blocking means, examiner disagrees with applicant. The longitudinal alignment of the trigger means would be misaligned.

Art Unit: 3641

3. Claims 101-103, 106 and 107 are rejected under 35 U.S.C. 102(b) as being anticipated by Meidel. Meidel discloses a sear (8), a trigger (12), a trigger bar (9') rotatable about pivot (10), a blocking means (29 and 19) which aligns the trigger bar (9') through bearing surface (33) also blocks the longitudinal slidable firing element (2). There is a slidable connecting means (28). When removing the blocking means or the connecting means the trigger bar becomes misaligned. Arguments are moot.
4. Claims 115-119 are rejected under 35 U.S.C. 102(b) as being anticipated by Mattarelli. Mattarelli discloses a firing mechanism with an integrated safety device having a sear (8), a frame (10), a blocking means (4) with a recessed area accessible from the back, a detachable backstrap (3) providing re-alignment of the blocking means and a longitudinal slidable firing element (2). As shown in figure 2, the blocking means (4) is prevented by the frame from taking it's maximum downward position.

***Response***

5. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., details that make application distinct and novel) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the **specification are not read into the claims, and need to be incorporated into the claims in order to show novelty.** If the prior art structure is capable of performing the intended use, then it meets the claim. **Applicant's claims do not clearly point out the patentable novelty** which he or she thinks is present.

***Allowable Subject Matter***

6. Claims 108-114 are allowed.
7. Claims 104, 105 and 120 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

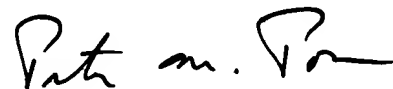
8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Denise J Buckley whose telephone number is 703-305-0041. The examiner can normally be reached on Tues-Fri 10-5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Carone can be reached on 703-306-4198. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7687 for regular communications and 703-305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-4180.



DJB  
April 6, 2001



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